

REMARKS

The Examiner's consideration of the foregoing amendments and remarks is greatly appreciated. Claims 1-89 are pending in the application. In the Office Action mailed December 19, 2003, the Examiner rejected Claims 1-89. In particular, the Examiner rejected Claims 1-89 under 35 U.S.C. § 102(e) as being anticipated by U.S. Publication No. 2003/0023463 to Dombroski et al..

It is believed that this amendment to the first Office Action and the concurrently transmitted declaration of Jeffrey T. Brinker under 37 C.F.R. § 1.131 respond to each and every basis of rejection stated in the Office Action mailed December 19, 2003. It is therefore believed that the claims are in condition for allowance and such action is respectfully requested. Detailed responses to the Examiner's reasons for rejection are set forth below.

Rejections Under 35 U.S.C. § 101

The Office Action rejected Claims 1-23 and 26-41 under 35 U.S.C. § 101 as directed toward non-statutory subject matter. More specifically, the Office Action asserts that the claims recite only abstract ideas. Applicants have amended independent Claims 1 and 26 to recite that the method is implemented by a computer device and thus, puts the recited claims within the technological arts. Dependent claims 2-23 and 26-41 depend from independent Claims 1 and 26, respectfully, and thus are allowable for the same reasons. Accordingly, applicants respectfully request a withdrawal of the 35 U.S.C. § 101 with regard to Claims 1-23 and 26-41.

Rejections Under 35 U.S.C. § 102(e)

The Office Action rejected Claims 1-89 under 35 U.S.C. § 102(e) as being anticipated by Dombroski et al. The earliest effective filing date of the published application of Dombroski et al. issued is April 21, 2001. The declaration of Jeffrey T. Brinker under 37 C.F.R. § 1.131 establishes the completion of the invention defined by the claims in the present

application in the United States prior to April 21, 2001. The applicants therefore submit that the Dombroski et al. reference does not qualify as prior art under 35 U.S.C. § 102(e).

Applicants also respectfully submit that although the Dombroski et al. reference is not prior art, it does not anticipate Claims 1-89 in that it fails to teach the recitations of these claims. Accordingly, the applicants respectfully submit that the pending rejections of these claims should be withdrawn.

CONCLUSION

The foregoing amendment and response is submitted as a full and complete response to the first official Office Action mailed December 19, 2003. The applicants respectfully submit that the foregoing amendment and response and the declaration of Jeffrey T. Brinker under 37 C.F.R. § 1.131 place this application in condition for allowance. If the Examiner believes that there are any issues that can be resolved by telephone conference, or that there are any informalities that can be corrected by the Examiner's amendment, please call the undersigned at 206.695.1728.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid and addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the below date.

Date: June 21, 2004

MAU:md